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Remarks/Arguments

I. Status of the Claims

In the final Office Action, the Examiner indicated that claims 1-32 are pending and rejected claims 1-4, 6-9, 11-19, 23-25 and 28-32 under 35 U.S.C. §103(a).

Also in the final Office Action, the Examiner indicated that claims 21 and 22 are allowed.

Also in the final Office Action, the Examiner indicated that claims 5, 10, 20, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants appreciate the Examiner's indication that these claims are directed to allowable subject matter. Claim 5 is amended herein to place it in independent form. Claims 10, 20, 26 and 27 depend, directly or indirectly, from newly independent claim 5. Therefore, these claims are now in condition for allowance.

Claims 1-32 are pending for reconsideration.

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II. Rejections of Claims 1-4, 6-9, 11-19, 23-25 and 28-32 under 35 U.S.C. §103(a)

At pages 2-12, item 3 of the final Office Action, claims 1-3, 6-8, 10-18, 20 and 23-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lawler et al. (U.S. Patent No. 5,805,763) in view of Sezan et al. (U.S. Patent No. 6,236,395).

At pages 12-13, item 4 of the final Office Action, claims 4, 9 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lawler et al. in view of Hancock et al. (U.S. Patent No. 6,701,523).

At pages 13-14, item 5 of the final Office Action, claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lawler et al. in view of Sezan et al. and further in view of the MPEG-7 Multimedia Description Schemes (Version 3.1).

Initially, it is respectfully pointed out that the first of the above-listed rejections is in error with respect to claims 10, 20, 26 and 27. As mentioned in the “Status of the Claims” section above, these claims stand objected to and hence should not be included in this rejection. Claims 10, 20, 26 and 27 depend, directly and indirectly, from claim 5 which also stands objected to.

Now to the substance of the rejections, which are respectfully traversed to the extent that they are maintained. As discussed below, the Lawler et al. patent, the Sezan et al. patent, the Hancock et al. patent, and the MPEG-7 reference, alone and in combination, fail to disclose or suggest the claimed invention.

For example, independent claim 1 recites a method of providing rebroadcast programming including the step of “encoding a rebroadcast program, wherein the

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rebroadcast program has a segment record and program data, and wherein the segment record comprises a plurality of fields including a priority field”. The priority field of the segment record is shown in FIG. 3. Including a priority field in the segment record is highly advantageous. For example, the priority field may be used to sort (block 504 in FIG. 5) and filter (block 509 in FIG. 5) when planning segments that will comprise a shortened duration version of the rebroadcast program. See, for example, the discussion at page 13, line 29 - page 14, line 27 of the present application. The Lawler et al. patent, the Sezan et al. patent, the Hancock et al. patent, and the MPEG-7 reference, alone and in combination, fail to disclose or suggest this feature of the invention as set forth in independent claim 1. Unlike the claimed invention – no priority field is used.

The primary reference, i.e., the Lawler et al. patent, discloses a system and method for automatically recording programs in an interactive viewing system. In the system disclosed in the Lawler et al. patent, a user may select a future program using an interactive program guide. The system identifies the selected program with a record tag which designates the selected program for recording. The record tag is stored and monitored by the system and, at the appropriate time, the system controls a recording device to record the selected program. See, Lawler et al., col. 2, lines 6-13. Unlike the claimed invention – no priority field is used.

The secondary references, i.e., the Sezan et al. and Hancock et al. patents, and and tertiary reference, i.e., the MPEG-7 reference, fail to cure this deficiency in the primary reference. In fact, the Sezan et al. patent, the Hancock et al. patent and the MPEG-7 reference are completely silent as to the use of a priority field.

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The Sezan et al. patent discloses an audiovisual information management system that provides at least one description scheme, i.e., a program description scheme, a user description scheme, and/or a system description scheme. See, Sezan et al., col. 1, lines 56-61. The Sezan et al. patent, however, does not teach the use of a priority field, even with respect to its description schemes. For example, the program description scheme proposed by the Sezan et al. patent includes a Highlight View having a descriptor <HighlightView>. The descriptor <HighlightView> specifies clips to form highlights of a program. A program may have different versions of highlights which are tailored into various time length. The clips are grouped into each version of highlight which is specified by the descriptor <Highlight> with a length attribute. See, Sezan et al., col. 16, lines 40-46. The user description scheme proposed by the Sezan et al. patent includes Browsing Preferences having a descriptor <HighlightLength>. The descriptor <HighlightLength> specifies which version of the highlight should be shown under the highlight view. See, Sezan et al., col. 22, lines 31-33. The Sezan et al. patent is completely silent as to the use of a priority field and thus fails to cure this deficiency in the Lawler et al. patent.

In this regard, the rejection states:

Lawler fails to explicitly disclose that “the rebroadcast program has a segment record and program data and wherein the segment record comprises a plurality of fields including a priority field”, “the preferred play time is a duration”, or “the broadcast includes a shortened duration version of the rebroadcast program.” Sezan teaches “the rebroadcast program has a segment record and program data and wherein the segment record comprises a plurality of fields including a priority field”, “the preferred play time is a duration”, and “the broadcast includes a shortened duration version of the rebroadcast program” so as to create a highlight summary of the program which is of specific interest to the user (Col 9, Lines 9-33). “A set of title frames is presented on the display that captures an important moment of each game. The user selects the Chicago Bulls

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game and indicates a desire to view a 5 minute highlight of the game. The system automatically generates highlights. The highlights may be generated by audio or video analysis, or the program description scheme includes data indicating the frames that are presented for a 5 minute highlight” (Col 9, Lines 61-67; Col 10, Line 1). “A program description scheme 18 related to the video, still image, and/or audio information 10 preferably includes two sets of information, namely, program views and program profiles” (Col 4, Lines 40-44). The “program views may contain a set of fields that contain data for identification of key frames, segment definitions between shots, highlight definitions, video summary definitions, different lengths of highlights, thumbnail set of frames, individual shots or scenes, representative frame of the video, grouping of different events, and a close-up view. The program view descriptions may contain thumbnail, slide, key frame, highlights, and close-up views so that users can filter and search not only at the program level but also within a particular program” (Col 4, Lines 46-55). If “a user prefers to watch a 5 minute video highlight of a particular program, such as a basketball game, the analysis module 42 may invoke a knowledge based system 90 (FIG. 3) to determine the highlights that form the best 5 minute summary” (Col 32-36). Consequently, it would have been obvious to one of ordinary skill in the art to modify Lawler with “the rebroadcast program has a segment record and program data and wherein the segment record comprises a plurality of fields including a priority field”, “the preferred play time is a duration”, and “the broadcast includes a shortened duration version of the rebroadcast program” so as to create a highlight summary of the program which is of specific interest to the user. (Final Office Action, page 3, line 9 - page 4, line 18.)

Granted, the Sezan et al. patent teaches the creation of a highlight summary of a program which is of specific interest to the user. However, the Sezan et al. patent does not teach implementing the creation of its highlight summary using a priority field in a segment record. Unlike the claimed invention – no priority field is used. Therefore, the modification of the Lawler et al. patent suggested by the Examiner would not have been obvious to one of ordinary skill in the art because the Sezan et al. patent lacks the requisite teaching of a priority field in a segment record.

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The Hancock et al patent discloses a system for restricting access to television programs. The Hancock et al. patent is cited merely for its alleged teaching of “‘a parental control system which dictates a child has so many minutes of viewing time left in their daily allocation’ so as to prevent a child’s television viewing habits from interfering with the child’s schooling.” The Hancock et al. patent, however, is completely silent as to the use of a priority field and thus fails to cure this deficiency in the Lawler et al. patent.

The MPEG-7 reference is cited merely for its alleged teaching of a title field, a location field, a status field, a next field, and a previous field. The MPEG-7 reference, however, is completely silent as to the use of a priority field and thus fails to cure this deficiency in the Lawler et al. patent.

Claims 2-4, 6-9, 11-19, 23-25 and 28-32 depend, directly or indirectly, from independent claim 1, and set forth all of the limitations therein, plus additional limitations that are not disclosed or suggested by the prior art. For example, claim 28 requires “the segment record comprises a plurality of fields including: a title field, a length field, a priority field, a location field, a status field, a next field, a previous field, and an alternate segment specifier field.” The prior art fails to disclose or suggest the claimed fields of the segment record. For example, the prior art fails to disclose or suggest an alternative segment specifier field of the segment record. The rejection states, “The alternate segment field is met by that discussion above for claim 25.” However, the discussion referred to by the Examiner merely relates to an alleged alternative segment and does not refer to an alternative segment specifier field, in a segment record or otherwise. Claim 32 requires the step of “comparing a segment priority of each of the portions of the rebroadcast program and a current filter priority.” The prior art fails to disclose or suggest the claimed priority comparison. This limitation is not specifically addressed in

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the rejection. By such additional limitations, and for at least the reasons discussed above with respect to independent claim 1, the Applicants respectfully submit that dependent claims 2-4, 6-9, 11-19, 23-25 and 28-32 also patentably define over the prior art.

Therefore, the Applicants respectfully request reconsideration and withdrawal of these rejections of claims 1-4, 6-9, 11-19, 23-25 and 28-32 under 35 U.S.C. §103(a).

III. Conclusion

In view of the foregoing comments and amendments, the Applicants respectfully submit that all of the pending claims (i.e., claims 1-32) are in condition for allowance and that the application should be passed to issue.

If a conference would be of value in **expediting the prosecution of this application, and possibly avoiding the delay of an appeal process**, the Examiner is hereby encouraged to telephone the undersigned counsel at (847) 462-1937 to arrange for such a conference.

Respectfully submitted,

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